In the High Court of Punjab and Haryana, at Chandigarh.

Civil Misc. No. 11281-C of 2007 and
R.S.A. No. 3991 of 2007

Date of Decision: 13.12.2007

Heera Singh

…Appellant

Versus

Sukhjinder Singh

…Respondent

CORAM: HON'BLE MR.JUSTICE RAJESH BINDAL

Present: Mr. Davinder Singh Brar, Advocate
for the applicant/appellant.

RAJESH BINDAL, J.

This is an application for condonation of delay of 635 days in filing the present appeal against the judgement and decree of both the Courts below, whereby the suit filed by the respondent/plaintiff for possession by way of specific performance, was decreed by both the Courts below.

The only ground seeking condonation of huge delay of 635 delay is that the appellant is a poor person and 90 years of age and he could not arrange Court fee and counsel fee for filing the present appeal. However, mere such a plea cannot be accepted for condoning the delay of 635 days in filing the present appeal as neither there is any material to show that the financial position of the appellant improved within these two years and with the passage of time, the appellant had become older and not younger. In the absence of any appeal against the judgement and decree of the Courts below within the period of limitation certain rights have vested in the respondent/plaintiff, which cannot be unsettled by entertaining the present appeal after such a huge delay.

Accordingly, I do not find any substance in the application for condonation of delay and the same is dismissed. Consequently, even the appeal is also dismissed.

(Rajesh Bindal)
Judge

December 13, 2007
"DK"